

Order

Michigan Supreme Court
Lansing, Michigan

January 31, 2006

Clifford W. Taylor,
Chief Justice

128870

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

KENNETH R. BESSINGER,
Plaintiff-Appellee,

v

SC: 128870
COA: 259974
WCAC: 04-000419

OUR LADY OF GOOD COUNSEL,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 29, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Worker's Compensation Appellate Commission. On remand, the WCAC shall clarify its position on the following issue: Notwithstanding that plaintiff's telemarketing job did not pay the maximum wages, was the telemarketing job within his qualifications and training at the time plaintiff suffered his back injury?

We retain jurisdiction.

KELLY, J., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 31, 2006

Corbin R. Davis

Clerk